

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT

for the

Eastern District of Missouri

The United States of America, and State of Missouri,)
Plaintiff)
v.) Civil Action No. 2:13-cv-00027
Teva Pharmaceuticals USA, Inc.,)
Defendant)

WAIVER OF THE SERVICE OF SUMMONS

To: Jonathan W. Meyer
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 03/14/2013, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 4/3/13

Teva Pharmaceuticals USA, Inc.
Printed name of party waiving service of summons

Gail S. Port
Signature of the attorney or unrepresented party

GAIL S. PORT
Printed name

PROSKAUER ROSE LLP
Eleven Times Square, NY, NY 10036
Address

gport@proskauer.com
E-mail address

212-969-3243
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

GAIL POIT 2129693000 PROSKAUER ELEVEN TIMES SQUARE NEW YORK NY 10036		0.0 LBS LTR		1 OF 1	
SHIP TO: JONATHAN MEYER, ESQ. 9135517140 US ENVIRONMENTAL PROTECTION AGENCY, ENVIRONMENTAL AND NATURAL RESOURCES 11201 RENNER BLVD LENEXA KS 66219-9601					
		KS 662 9-01 		UPS NEXT DAY AIR 1 TRACKING #: 1Z 151 542 01 9492 5441	
				BILLING: P/P	
				Reference No. 1: 72600.0008-0608 XCL 13 03 10 NW45 39 0A 04/2013 	

FOLD on this line and place in shipping pouch with **bar code and delivery address** visible

1. Fold the first printed page in half and use as the shipping label.
2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
3. Keep the second page as a receipt for your records. The receipt contains information useful for tracking your package.